

## Article - Family Law

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§10–113.2.

(a) The Administration may certify to the State Comptroller any obligor who is in arrears under a child support order, if:

(1) the amount of arrears exceeds \$150; and

(2) the Administration is providing services in the case under Title IV, Part D, of the federal Social Security Act.

(b) The Administration shall notify the obligor that:

(1) a certification has been made by the Administration; and

(2) the obligor has a right to request an investigation as provided under subsection (d) of this section.

(c) The certification shall include, if known:

(1) the full name of the obligor, and any other names known to be used by the obligor;

(2) the address and Social Security number of the obligor; and

(3) the amount of the arrearage.

(d) (1) Within 30 days of the date of the notice of certification, an obligor who disputes the existence or amount of the arrearage may request that the Administration conduct an investigation of the arrearage.

(2) (i) On receipt of a request for investigation from the obligor, the Administration shall conduct an investigation as to the existence or amount of the arrearage.

(ii) On completion of the investigation, the Administration shall notify the obligor of the outcome of the investigation.

(iii) If, after the investigation the Administration finds there is an error, the Administration shall correct the amount of the reported arrears, or, if appropriate, withdraw the certification.

- (e) The State Comptroller shall:
  - (1) withhold the amount of the arrearage from:
    - (i) any payment due to the obligor; or
    - (ii) any abandoned property delivered to the State Comptroller under Title 17 of the Commercial Law Article in which the obligor has an interest;
  - (2) forward the amount withheld to the Administration; and
  - (3) notify the obligor of:
    - (i) the amount paid to the Administration; and
    - (ii) the right to appeal the intercept to the Office of Administrative Hearings as provided in subsection (g) of this section.
- (f) On receipt of the intercepted payment, the Administration shall:
  - (1) retain any part of the payment that does not exceed the amount of arrearage owed at the time the payment was received; and
  - (2) pay to the obligor any part of the payment that exceeds the amount of arrearage owed at the time the payment was received.
- (g)
  - (1) Within 30 days of the date of the notice of intercept from the State Comptroller, an obligor who disputes the existence or amount of the arrearage may appeal to the Office of Administrative Hearings.
  - (2) An appeal to the Office of Administrative Hearings shall be conducted in accordance with Title 10, Subtitle 2 of the State Government Article.
- (h) The Secretary of Human Services and the State Comptroller may adopt regulations to carry out this section.

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